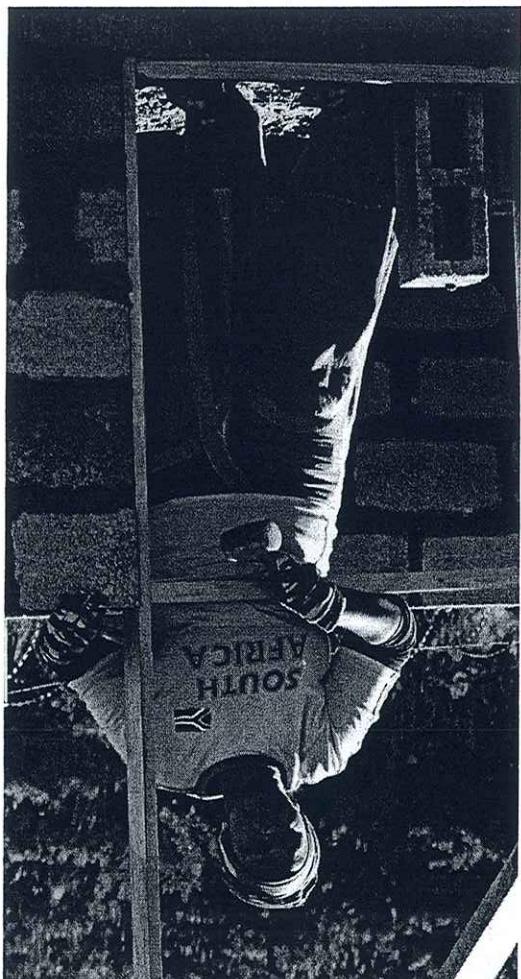


Border Rural Committee

**Position on
the Restitution of Land
Rights Act
Amendment Bill**





- NGO operating in the central and eastern parts of the Eastern Cape.
- Established in 1982
- Originally an anti-forced removals organisation
- Long, proud history of progressive intervention in rural policy
- Current work:
 - ① piloting alternative models of rural development;
 - ② social mobilisation

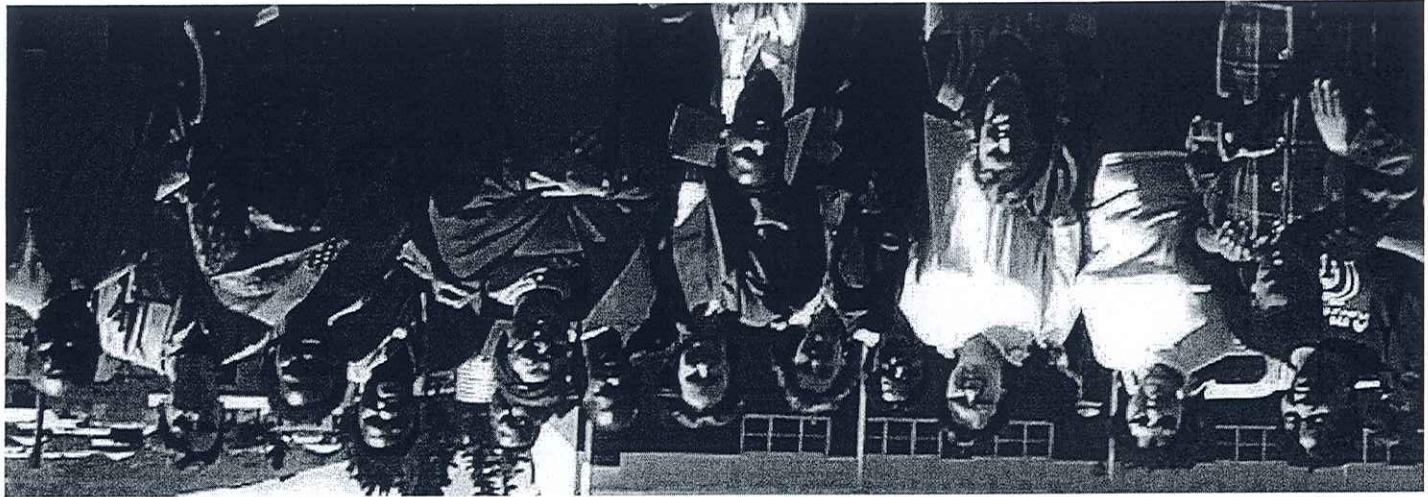
Border Rural Committee

Re: Social mobilisation work

- Supported the campaign for betterment redress since Vulamasango Singene's inception.
- Assisted to build the social movement – offering institutional and strategic support, but VS is an independent organisation.



BRC staff
and Board
with Minister
Didiza at the
signing of the
Cata
Settlement
agreement,
Oct 2002



- BRC was closely involved in identifying the state's error with respect to refusing to accept betterment claims.
- BRC assisted the Cata community to challenge this and prove in a test case that betterment did, in fact, meet the requirements of the Act.

Work with respect to land restitution

BRCA's position on the Amendment Bill

- The Border Rural Committee supports the proposed amendment to Section 2 of the Act – ie creating a window in which to accept new claims.
- The organisation has long called for exactly such an opportunity for victims of betterment removals.

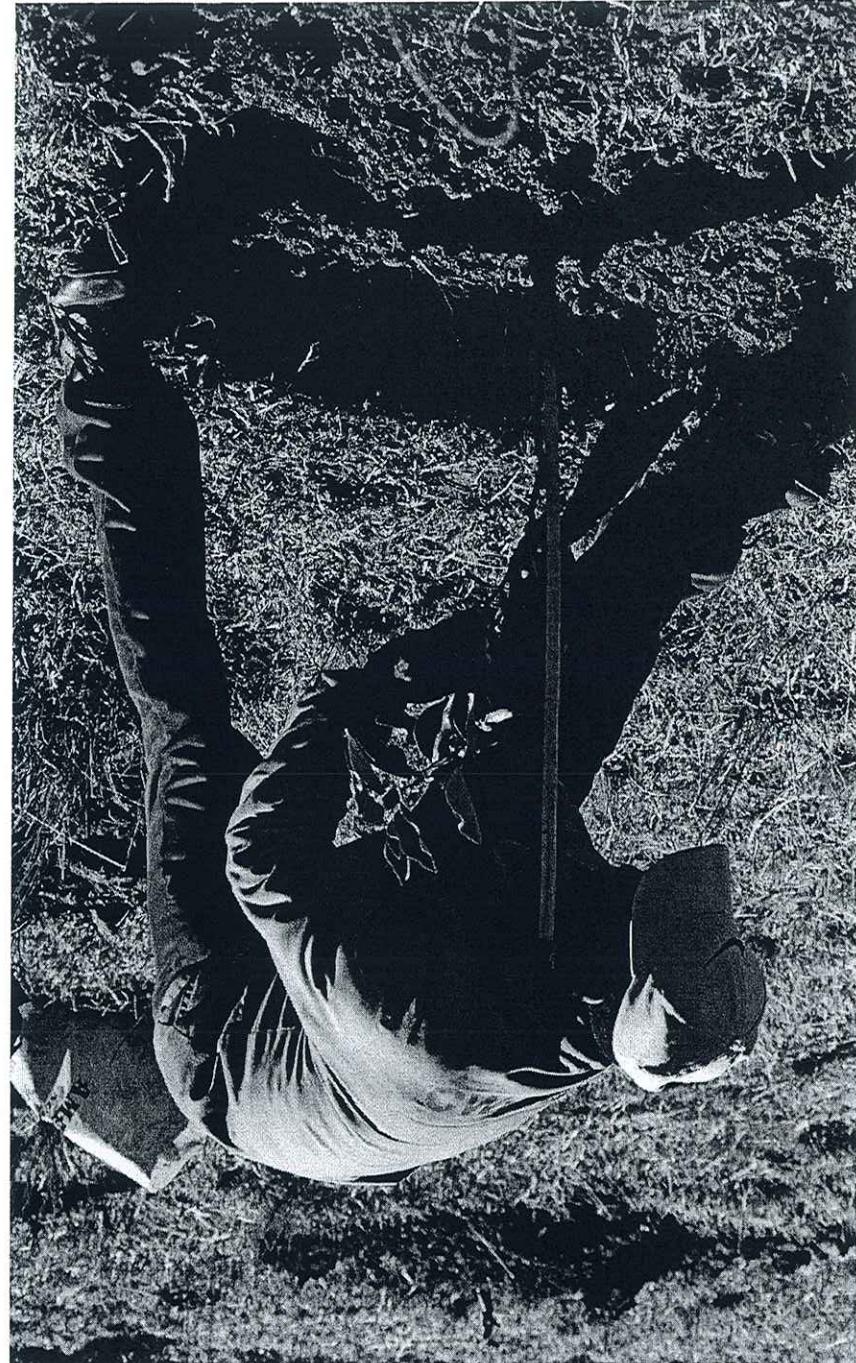


Previously, restitution was backed by a grant to address post-settlement requirements.

Restitution is a constitutional right and is therefore a rights-based programme.

(1) Any move to replace the post-settlement grant with the recapitalisation programme is totally unacceptable.

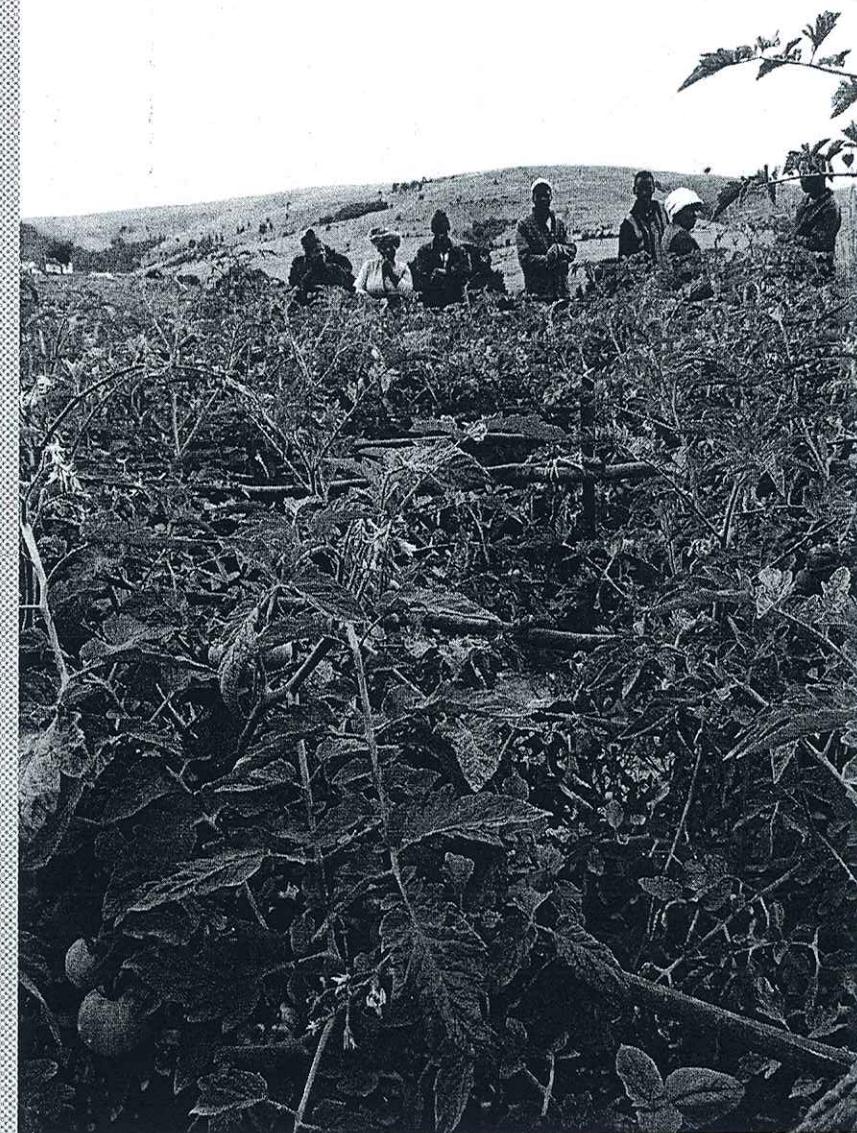
There are, however, some proposed amendments with which we take issue:



The grant had no conditions or strings attached.

Recapitalisation is aimed at supporting business development initiatives and envisages a highly productive farm.

Government, in our experience, has never demonstrated any capacity to support the beneficiaries for example in the development of sound business plans.

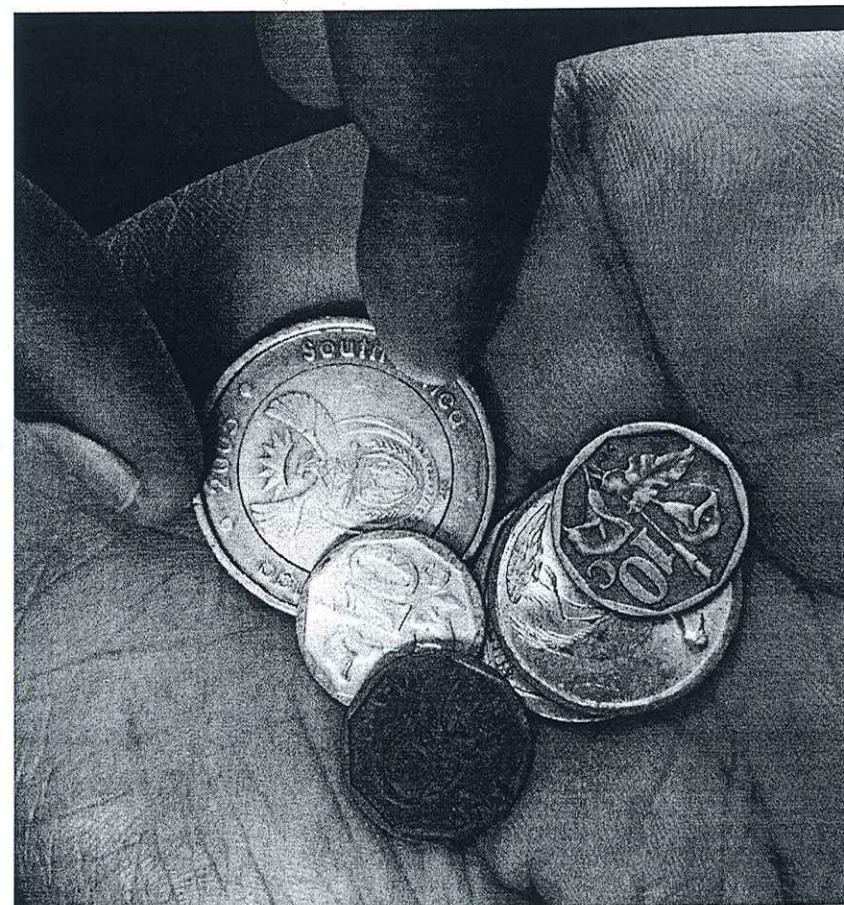


Communal Property Associations

- In the case of community claims, Communal Property Associations (CPAs) are legitimate structures and should take ownership of land and development.
- The state needs to play a central role in supporting and capacitating the CPAs.

Addressing challenges faced by the Restitution Programme

- Land Claims Commissions' **human resources**;
- **Budget** allocation for the programme;
- **Research capacity.**



Conclusion

- The Border Rural Committee supports amendment that allows for the lodgement of new claims.
- The organisation rejects any amendment that makes the awarding of a post-settlement conditional.
- The organisation is concerned that sufficient human and financial resources be allocated to the re-opened restitution process



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